

FREMONT BOARD OF SELECTMEN

27 MARCH 2008

APPROVED 04/03/2007

The meeting was called to order at 6:05 pm in the basement meeting room at the Town Hall. Present were Selectmen Gene Cordes, Joseph Dreyer, Donald Gates Jr and Selectmen's Clerk Jeanne Nygren.

Cordes briefly went through the agenda with the other Selectmen.

At 6:08 pm Richard Butler from the Fire and Rescue Department came in to discuss with the Selectmen the well house electricity. Tim Trefethen (Tim T Trucking) had called Leon Holmes Sr and said he is still paying the electric bill and does not want to pay this anymore. Cordes said that if the Fire Department is going to continue using this well house then we need to transfer the service back to the town. The past history of non payment of the bill needs to be researched. Cordes felt that if the Department still wants it and as long as the Fire Department is the only one taking water on an as needed basis, then it should be transferred back to the Town. Butler stated they do still use the well. A motion was made to authorize this service back to the Town's name by Gates, seconded by Dreyer. The vote was unanimously approved 3-0.

Cordes said the Fire Chief Leadership role is currently being filled by Richard Butler. Looking at the situation and considering the fact that this is the time to reappoint a Chief. It is unclear at this time whether or not Heselton wants to or will be able to return and to the position. Selectmen asked Butler is he was prepared to take on this position until things are sorted out, and he agreed he was. The Board felt the Department should be made aware of this by sending a letter to be posted on the bulletin board that is signed by the Selectmen. The Selectmen thanked Butler for him doing this since Heselton took sick.

A motion was made to appoint Richard Butler as Interim Acting Fire Chief for an indefinite period by Dreyer and was seconded by Gates. All were in favor. A letter was prepared for the Selectmen's signatures and a copy to be posted at the fire station. He was sent up to see the Deputy Town Clerk Kathy Arsenault this evening.

At 6:30 pm Neal Janvrin came into the meeting and requested to go into Non-Public session pursuant to NH RSA 91-A:3 II (c). A motion to go into non-public session pursuant to that section was made by Dreyer, seconded by Gates, and the vote was unanimously approved 3-0.

At 6:40 pm a motion was made to return to public session was made by Gates, seconded by Dreyer. All were in favor.

Janvrin wanted to reappoint for one year, the following part-time members of the Police Department: Lieutenant - G Reese Bassett; Patrolmen Robert F Allore, Joseph A Gordon, Jason L Grant, Adam A Raymond, and Renee M King; Detective Wayne J Ingersoll, and Animal Control Officer Renee M King. A motion was made by Gates to make these appointments as read, seconded by Dreyer. The vote was unanimously approved 3-0. Janvrin stated that Charles Rand was not appointed for several reasons one being he doesn't have the time because of school commitments.

Additionally Bob Allore's evaluation was due in October and had not been completed. Janvrin caught this and did his evaluation and it has been completed. He was bumped up a step in pay raise.

Janvrin asked also if he is able to put the sign out for the upcoming Rabies Clinic with the new sign ordinance. Dreyer asked who was sponsoring this clinic. Janvrin stated that it was the Police Department. Dreyer said the Town is exempt from its own ordinances. Janvrin left the meeting at 6:50 pm. Janvrin also stated that he is taking a course and will not be available Thursdays for meetings for a while but will send a representative if necessary.

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At 7:00 pm Richard Butler came back to the meeting with a question regarding the point system of the Fire Rescue Department, and whether he is still part of that system. Cordes felt that he should have the Chief's budgeted compensation, so long as Butler can keep office hours at night instead of the daytime hours as long as it is posted. Butler can get LOSAP credit; he would still get points but not the dollar figure. Gates asked what is the upside or downside on the points. Each officer gets a different stipend. Cordes felt it would be prudent for him to go to the budgeted Chief's compensation, and that it would be more beneficial for him. A motion by Gates to transition Butler from point system to compensation system at the same rate as Chief Heselton was being paid, effective April 1st. Dreyer seconded. The vote was unanimously approved 3-0. Butler was asked to get back to the Selectmen with the 4 hours a week that the office will be open for them to be posted.

OLD BUSINESS

After review of the minutes for 18 March 2008 meeting a motion to approve these minutes was made by Dreyer, seconded by Gates. The vote was unanimously approved 3-0.

NEW BUSINESS

A motion was made by Dreyer, seconded by Gates, all were in favor. to approve the accounts payable manifest dated 28 March 2008 in the amount of \$25,243.70.

Selectmen reviewed the accounts payable manifest in the amount of \$1,021,964.60 from March 21, 2008. A motion was made by Gates, seconded by Dreyer. The vote was unanimously approved 3-0. This has been reviewed and approved by Carlson and Cordes as approved by the Board on March 18, 2008.

A copy of the letter from Senator Barnes in support of HB 1645 was given to the Selectmen for review. A discussion was held with changes to this letter. Gates had a problem with a section that they received at the meeting they attended. If a percentage each year would go into this fund, he was uncomfortable to approve HB 1645. The letter was amended by the Selectmen, corrected and reprinted for signatures. A motion to sign this letter was made by Dreyer, seconded by Gates. The vote was unanimously approved 3-0.

At 7:25 pm a motion to take a 5 minute recess was made by Cordes, seconded by Dreyer. The vote was unanimously approved.

At 7:30 pm Cordes called the meeting back to order.

Janice O'Brien and Jack Karcz came into the meeting at 7:32 pm to discuss a matter regarding acquisition of property. A motion to enter non-public session pursuant to NH RSA 91-A:3 II (d) was made by Gates, seconded by Dreyer. The vote was unanimously approved 3-0.

At 7:45 pm a motion to return to public session was made by Dreyer, seconded by Gates. The vote was unanimously approved 3-0.

Peter Bearse came into the meeting at 7:48 pm. Cordes reported that he had spoken to Jay Somers of Comcast and had asked for another extension to the old contract. Bearse asked if this is the same contract and said he was concerned about the transition issue seeing that Keith Stanton is no longer taping meetings. Bearse was concerned about the ability of a volunteer to continue minimal taping of public meetings; he questioned if this is a concern for the Selectmen. He is not sure what to do other than gathering up volunteer help. Cordes thoughts were that we cannot over promise what we are going to deliver if volunteers did not show up. Bearse said we need to get people behind this and drive this effort.

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He said that two or three of the existing Cable Contract Renewal Committee members showed interest to be on the Access Management Committee. Bearse said he doesn't think anyone is overpromising. Bearse is concerned about maintenance of effort so that the Board of Selectmen's meetings are taped as they have been.

Cordes said that was clearly the intent of the renewed contract, and after that is done, we need to look at what is the next chapter. We need to get the contract terms buttoned up and see what is next. Stanton's personal commitment to the taping effort was commended. Bearse will talk with Neil Rowland to see if he can do some taping to fill the gap. Bearse will go through the surveys to see if other people are out there to help out. Bearse asked how he could help. Money is certainly a concern, and an issue to get back to the committee regarding legal fees. The Board thanked Bearse for his time and Bearse left the meeting at 7:56 pm.

A request was made by Cordes for the Selectmen to sign the Cable Contract extension from April 1st through May 15, 2008. A motion was made by Gates, seconded by Dreyer to sign the extension. The vote was unanimously approved 3-0. Selectmen signed another extension to the Cable Contract.

At 8:00 pm Mike and Susan Miller came into the meeting. Mr Miller said he is concerned and upset about what was being done at the shoulder adjacent to his property. He feels that the Road Agent Guerwood Holmes just "plowed the stone wall down." Miller said he naturally wants this fixed and asked how does the Board plan to do this? Miller asked if North Road was a scenic road, and it is.

Dreyer said he is an elected official and the Selectmen don't manage roads, but they will try to work with the Millers to get through this. Miller said he did try to relate his concerns to Holmes and his intent was not to be argumentative. Miller said RSA 231:62 through 66 states the Selectmen are responsible to guide and direct the Road Agent and they have the authority over him even though he is elected.

RSA 231:62 says that the Selectmen have the power unless we have highway commissioners, either elect or appoint road agents but they have the power and the ability to appoint his responsibilities.

Dreyer asked Mr Miller if he wants to have this fixed. Miller believes in accord with RSA 231, the ultimate responsibility is the Selectmen and they can choose what to do with the Road Agent. Miller said that back in 1998 Holmes wanted to put in a culvert under North Road and run it across. Miller reports that the Conservation Commission did not think this was a good idea because of the distance of the pond to the stone wall being only 30 feet. Miller's concern is what is coming off the road and going into the pond. A recommendation was to put in sediment basin in so that water could be filtered before running into pond, or to run across the road to the wetlands. Miller said he does not know why Holmes did not choose to do either one of those. Miller said that since then, there has been a drainage issue there that pitches the water toward their property. As the water comes towards them there is a buffer but the water still doesn't drain off.

Miller thinks taking all the vegetation, and a part of the stone wall was to drop the height of the road. He felt that Holmes just blew this wall and Miller watched him to it. Dreyer said this will erode pretty fast. Cordes concern was the way it is sitting there now, and it could be an undesirable situation there.

With regard to a culver in his neighbor's driveway, Miller said that two years before, Holmes just dug up culvert, spring running full bore and didn't put any silt control there. Miller said at that time he had an unpleasant exchange with Holmes. Miller said he has no confidence that Holmes can take care of this situation and can not believe what he did in the first place. There were three large maples that were cut down. Miller didn't argue that they were dead but did contend the RSA enforcement and notice to the abutters needs to be done. The last of these dead trees came down last Friday. Cordes looked at the

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scenic road RSA and in order for trees to come out that are a public nuisance, they must be declared through the necessary process, and this did not happen.

Miller said some of the rocks knocked over had his land markings on it. Miller said the wall is the property line. Miller tried to call Holmes and talk with him but said Holmes hung up on him. Miller went to the Police Department because Holmes said he was coming back there to work, and Miller did not want that. Cordes said with the trees gone and the stone wall being down to a significant degree he was concerned whose property we are on and wonders about silting and road erosion.

Miller said they need to hire somebody to come out with the expertise to say what needs to be done. Miller does not want Holmes to do this but someone with a background that knows what they are doing, he feels he does have a drainage issue, the property line is gone, and the road needs rebuilding. Cordes said if someone is brought in with credentials in this area does Miller want to look at these credentials. Miller said he wants to work with the Selectmen. Miller wants to be involved as the process goes along to get this fixed. In the future scenic road needs to have the protocol procedure followed.

Cordes feels we should engage an engineer to evaluate the issues then they know what direction and what to needs to be done. The Selectmen will meet with Holmes to further discuss it.

Cordes also suggested that we have a legal review of the matter. Cordes said the statutes presented this evening are different than anything they ever learned about prior to this, with regard to the Board's working relationship with the Road Agent. Selectmen want also to find their role in respect to the Road Agent and his work. The Selectmen said they will work with the Miller's to get this repaired.

The Selectmen thanked the Millers; and they left both the meeting at 8:35 pm.

NEW BUSINESS CONTINUED

Appointments in follow-up to discussion from last week, for Joe Dreyer as Selectmen's Ex-Officio Representative to the Planning Board to 2011; Joe Dreyer and Gene Cordes as Alternate Selectmen's Ex-Officio Representatives to the Budget Committee; and Donald Gates Jr as Selectmen's Representative to the Budget Committee, all for one year to 2009; were reviewed. A motion was made to approve these appointments. by Gates, seconded by Dreyer. The vote was unanimously approved and the forms were signed and forwarded to the Clerk's Office.

The contracts from Mike Morrison (MPMS and Swamp Inc) for the Town's Mosquito Control Program for 2008 were reviewed. The Municipal Pest Management Services contract totals \$12,000 for Larval Mosquito Control; and Swamp Inc totals \$36,320 for Biological Monitoring for the Larviciding and Adulticiding programs. An error was made in the breakdown of payments in the Swamp Inc. contract. A motion was made by Dreyer, seconded by Gates to sign the contracts while adjusting the payment schedule to reflect the right payments (\$36,320 divided by three payments spread out through the fall). The vote was unanimously approved. The typing error on the contract was corrected by the Selectmen. They indicated if there is a problem and the contract needs to be retyped then they can have another contract written up for signature.

The Selectmen then reviewed and marked up a copy of the proposed Waste Management of NH contract for recycling and MSW collection. This has been sent to legal review and WM will wait until next week if needed to finalize it. Attorney Ryan is away until early next week. Selectmen's comments were marked up as well, and a final version will hope to be ready by next week for final signature. WM has committed to working with the Town even if it is not signed when they start picking up next Wednesday,

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April 2, 2008. They are also working to get new dumpsters installed by Monday next week. Hussey began pulling the municipal/school dumpsters on Wednesday March 26th.

The Selectmen then considered the abatement of interest and penalty on parcel 07-090.003.003 per an email request from Annmarie Scribner, as she had made an error in providing information to the prior homeowner. A motion to approve the abatement of interest and penalty of \$60.70 pending receipt of payment of property taxes within 15 days was made by Dreyer and seconded by Gates. The vote was unanimously approved 3-0.

The Selectmen reviewed and signed a vacation slip for Heidi Carlson.

NEXT WEEK

The next regular Board meeting will be held on Thursday April 3, 2008 at 6:00 pm.

The information on Cindy McRae's proposed barn easement application was given to the Selectmen to read in preparation for a meeting with her schedule for next week.

A discussion was then held by the Selectmen on the Cable Contract including summarized information from the recommended cable attorney. Selectmen continue to feel that pursuing the old contract is not worth the Town's money, and Attorney Epstein expressed the same sentiment, given that contract is now expired. Cordes said the Board can discuss this again next week. Dreyer asked if it would help us with the new contract. Dreyer said he felt the Town should hire Attorney Epstein to review the newly proposed contract. Cordes said we should cap what is spent. Dreyer asked to find out what the attorney thinks it will cost to do a certain scope of work. Selectmen need to decide on this scope of work. Gates agreed that going after the old contract, now expired, is not reasonable. Dreyer felt that nothing could be done anyways. They wanted to authorize Carlson to obtain legal review and recommendations after receiving an estimate of the costs associated with it of the proposed contract.

Selectmen read an email from Deb Genther regarding her not accepting re-appointment to the Parks & Recreation Commission. A letter will be prepared to thank her for her service to the Parks and Recreation Department, for signature next week by the Selectmen.

A motion to adjourn the meeting was made by Gates, seconded Dreyer. The vote was unanimously approved and the meeting adjourned at 9:37 pm.

Respectfully submitted by,

Jeanne Nygren
Selectmen's Clerk